

1-1 By: King of Parker (Senate Sponsor - Rodriguez) H.B. No. 789
1-2 (In the Senate - Received from the House April 15, 2013;
1-3 April 18, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2013, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 16, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the allowance in lieu of exempt property in the
1-18 administration of a decedent's estate.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 ARTICLE 1. CHANGES TO TEXAS PROBATE CODE

1-21 SECTION 1.01. Section 273, Texas Probate Code, is amended
1-22 to read as follows:

1-23 Sec. 273. ALLOWANCE IN LIEU OF EXEMPT PROPERTY. In case
1-24 there should not be among the effects of the deceased all or any of
1-25 the specific articles exempted from execution or forced sale by the
1-26 Constitution and laws of this state, the court shall make a
1-27 reasonable allowance in lieu thereof, to be paid to such surviving
1-28 spouse and children, or such of them as there are, as hereinafter
1-29 provided. The allowance in lieu of a homestead shall in no case
1-30 exceed \$45,000 [~~\$15,000~~] and the allowance for other exempted
1-31 property shall in no case exceed \$30,000 [~~\$5,000~~], exclusive of the
1-32 allowance for the support of the surviving spouse, minor children,
1-33 and adult incapacitated children which is hereinafter provided for.

1-34 SECTION 1.02. The changes in law made by this article to
1-35 Section 273, Texas Probate Code, apply only to the estate of a
1-36 decedent who dies on or after the effective date of this Act. The
1-37 estate of a decedent who dies before the effective date of this Act
1-38 is governed by the law in effect on the date of the decedent's
1-39 death, and the former law is continued in effect for that purpose.

1-40 ARTICLE 2. CHANGES TO ESTATES CODE

1-41 SECTION 2.01. Section 353.053(b), Estates Code, as
1-42 effective January 1, 2014, is amended to read as follows:

1-43 (b) The allowance in lieu of a homestead may not exceed
1-44 \$45,000 [~~\$15,000~~], and the allowance in lieu of other exempt
1-45 property may not exceed \$30,000 [~~\$5,000~~], excluding the family
1-46 allowance for the support of the surviving spouse, minor children,
1-47 and adult incapacitated children provided by Subchapter C.

1-48 SECTION 2.02. Section 273, Texas Probate Code, as amended
1-49 by Article 1 of this Act, is repealed.

1-50 SECTION 2.03. This article takes effect January 1, 2014.

1-51 ARTICLE 3. EFFECTIVE DATE

1-52 SECTION 3.01. Except as otherwise provided by this Act,
1-53 this Act takes effect September 1, 2013.

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